

ARTICLE I, BYOB Clubs [Adopted 7-10-1989 by Ord. No. 89-05]

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§ 63-1. Purpose.

- The Board of Supervisors hereby declares that the purpose of this article is to regulate the hours of operation of BYOB clubs in order to preserve the health, safety and general welfare of its citizens and to protect the right of its citizens to the quiet enjoyment of their property.

§ 63-2. Definitions.

- The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

ALCOHOLIC BEVERAGES -- Any and all beverages, including malt beverages, which contain alcohol, liquor or such other intoxicating substances as are further defined in the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq.

BYOB CLUB -- Any business facility such as a dance hall, club or association existing on the date of enactment of this article or coming into existence thereafter, and which is not licensed by the Pennsylvania Liquor Control Board, wherein patrons 21 years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises, also commonly referred to as "bring your own bottle clubs," provided that a facility which is rented for a limited period of time, not to exceed 12 hours, by individuals or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a BYOB club under the terms of this article.

§ 63-3. Operation.

- A. Remain open and/or to transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time, of each day and at any time on Sundays.

- B. Conduct activities to which this article applies without possessing a valid club permit.

§ 63-4. Liability.

- In the event that any of the unlawful activities specified herein is conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association, in addition to entity liability, the officers, agents or principals of said corporation, partnership, joint venture, trust, firm or association shall be deemed in violation of this article, as well as the person or persons engaged in the unlawful activity.

§ 63-5. Separate offenses.

- The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted.

§ 63-6. Requirements.

- Any and all BYOB clubs to which this article applies shall, at all times, comply with the following requirements:
 - **A.** Obtain broad form general liability coverage, \$1,000,000 single limit per occurrence, proof of which shall be filed with the Commissioner of Police.
 - **B.** Possess a valid certificate of occupancy issued by the Pennsylvania Department of Labor and Industry and the Lower Paxton Township, Codes Enforcement Office, and prominently display said certificate as required.
 - **C.** Obtain an annual fire inspection of the premises by the Township Codes Enforcement Officer.
 - **D.** Obtain a valid BYOB club permit pursuant to § 63-7 of this article and prominently display said permit as required.
 - **E.** Conspicuously post the hours of operation at the business premises such that patrons are sufficiently apprised of the same.

§ 63-7. Permit required; application; fees; term.

- A. Any person or persons desiring to operate or continue to operate a BYOB club shall file with the Commissioner of Police an application for a BYOB club permit, which application shall include the following information:
 - **(1)** The name and address of the BYOB club;
 - **(2)** Should the BYOB club be located within a leased business premises, then a statement from the lessor shall be provided

- acknowledging said BYOB club and agreeing to comply with appropriate municipal ordinances;
 - **(3)** The nature of the ownership of the BYOB club, i.e., corporation, partnership, joint venture, association;
 - **(4)** The names and addresses of any and all persons who possess an ownership and/or financial interest in the BYOB club; and
 - **(5)** A notarized statement that the BYOB club complied with the requirements of § 63-06 herein.
- B. The Commissioner of Police shall determine whether the BYOB club fully and completely complies with the provisions and requirements of this article within 10 days following the date on which the application is received. If the Commissioner of Police determines that the applicant fully and completely complies with the provisions hereof, he shall issue a BYOB club permit; if the Commissioner of Police determines that the applicant does not fully and completely comply with the provisions hereof, he shall deny the issuance of BYOB club permit and shall furnish written evidence of the same to the applicant together with the reason(s) for the denial.
- C. The club shall pay an administrative fee as set forth from time to time by resolution of the Board of Supervisors for a BYOB club permit and a fee as set forth from time to time by resolution of the Board of Supervisors for each renewal thereof. Said BYOB club permit shall be effective for a period of one year following the date of issuance, provided that in the event the BYOB club fails to fully and completely comply with the provisions hereof during the term of the BYOB club permit so issued, the Commissioner of Police shall have the authority to revoke the BYOB club permit due to the BYOB club's lack of compliance.

§ 63-8. Violations and penalties.

- This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.